

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: Chair Scott Reichner, on February 16, 2011 at 3:00 PM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Scott Reichner, Chair (R)
Rep. Kris Hansen, Vice Chair (R)
Rep. Edith (Edie) McClafferty, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Mark Blasdel (R)
Rep. Joanne G. Blyton (R)
Rep. Christy Clark (R)
Rep. Lila Walter Evans (R)
Rep. Sue Malek (D)
Rep. Jonathan McNiven (R)
Rep. Jean Price (D)
Rep. Daniel R. Salomon (R)
Rep. Bob Wagner (R)
Rep. Ted Washburn (R)
Rep. Jeffery W. Welborn (R)

Members Excused: None

Members Absent: Rep. Franke Wilmer (D)

Staff Present: Marissa Stockton, Committee Secretary
Dan Whyte, Legislative Services Division

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action on:

HB 136, HB 347, HB 420, HB 421, HB 450, HB 451, HB 452, HB 453, HB 456, HJ 7, HJ 9

00:00:01 Chairman Reichner

EXECUTIVE ACTION ON HB 136

00:00:59 **Motion:** Rep. Hansen moved that **HB 136 DO PASS.**

Discussion:

00:01:21 Chairman Reichner
00:01:24 Rep. Malek
00:02:28 Chairman Reichner
00:02:34 Rep. Salomon
00:03:46 Chairman Reichner
00:03:49 Rep. Evans
00:04:26 Chairman Reichner
00:04:29 Rep. Malek
00:05:28 Chairman Reichner
00:05:33 Rep. Bennett
00:06:16 Chairman Reichner
00:06:21 Rep. Price
00:06:44 Chairman Reichner

00:07:44 **Vote:** Motion failed 5-11 by roll call vote with Rep. Bennett, Rep. Malek, Rep. McClafferty, Rep. Price and Rep. Wilmer voting aye. Rep. Wilmer voted by proxy.

00:07:51 **Motion/Vote:** Rep. Hansen moved that **HB 136 BE TABLED AND THE VOTE REVERSED.** Motion carried 11-4 by voice vote with Rep. Bennett, Rep. Malek, Rep. McClafferty and Rep. Price voting no.

EXECUTIVE ACTION ON HB 347

00:09:23 **Motion:** Rep. Hansen moved that **HB 347 DO PASS.**

00:10:23 **Motion:** Rep. Hansen moved that **HB 347 BE AMENDED.**
EXHIBIT(edh38a01)

Discussion:

00:10:47 Rep Hansen
00:10:55 Rep. Reichner
00:11:13 Rep. Wagner
00:11:50 Rep. Reichner
00:11:52 Rep. Hansen
00:12:11 Dan Whyte, Legislative Services Division (LSD)
00:12:12 Rep. Hansen
00:12:27 Dan Whyte, LSD

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00:12:48 Chairman Reichner
00:12:51 Rep. McClafferty
00:13:17 Chairman Reichner
00:13:20 Rep. McClafferty
00:14:26 Chairman Reichner

00:14:27 **Vote:** Motion carried 11-5 by roll call vote with Rep. Bennett, Rep. Malek, Rep. McClafferty, Rep. Price and Rep. Wilmer voting no. Rep. Wilmer voted by proxy.

00:14:36 **Motion:** Rep. Hansen moved that **HB 347 DO PASS AS AMENDED.**

00:14:52 **Motion:** Rep. Hansen moved that **HB 347 BE AMENDED.**
EXHIBIT(edh38a02)

Discussion:

00:14:55 Chairman Reichner
00:14:57 Rep. Hansen
00:15:12 Chairman Reichner
00:15:14 Rep. Malek
00:15:37 Dan Whyte, LSD
00:16:08 Chairman Reichner
00:16:17 Rep. Salomon
00:16:55 Chairman Reichner
00:17:01 Rep. McClafferty
00:17:32 Dan Whyte, LSD
00:18:06 Chairman Reichner

00:18:20 **Vote:** Motion carried unanimously by roll call vote. Rep. Wilmer voted by proxy.

00:19:09 **Motion:** Rep. Hansen moved that **HB 347 DO PASS AS AMENDED.**

Discussion:

00:19:36 Rep. Malek
00:19:52 Chairman Reichner
00:19:54 Rep. McClafferty
00:20:07 Chairman Reichner
00:20:14 Rep. Washburn
00:20:20 Chairman Reichner

00:21:12 **Vote:** Motion failed 6-10 by roll call vote with Rep. Blasdel, Rep. Blyton, Rep. Evans, Rep. Hansen, Rep. Wagner and Rep. Washburn voting aye. Rep. Wilmer voted by proxy.

00:21:52 **Motion/Vote:** Rep. Hansen moved that **HB 347 BE TABLED AND THE VOTE REVERSED.** Motion carried 15-0 by voice vote.

00:21:55 Rep. Hansen

EXECUTIVE ACTION ON HB 420

00:22:14 **Motion/Vote:** Rep. Malek moved that **HB 420 DO PASS**. Motion carried 11-5 by roll call vote with Rep. Blasdel, Rep. Blyton, Rep. Reichner, Rep. Wagner and Rep. Washburn voting no. Rep. Wilmer voted by proxy.

EXECUTIVE ACTION ON HB 421

00:23:18 **Motion/Vote:** Rep. Malek moved that **HB 421 DO PASS**. Motion carried 11-5 by roll call vote with Rep. Blasdel, Rep. Blyton, Rep. McNiven, Rep. Reichner and Rep. Wagner voting no. Rep. Wilmer voted by proxy.

00:24:59 Chairman Reichner

EXECUTIVE ACTION ON HB 450

00:25:56 **Motion:** Rep. Hansen moved that **HB 450 DO PASS**.

Discussion:

00:26:08 Rep. Hansen
00:26:43 Chairman Reichner
00:26:48 Rep. McClafferty
00:27:00 Rep. Price
00:27:12 Rep. Blasdel left.
00:27:21 Chairman Reichner
00:27:28 Rep. Bennett
00:27:38 Rep. Blyton

00:27:45 **Vote:** Motion failed 2-14 by roll call vote with Rep. Blasdel and Rep. Blyton voting aye. Rep. Blasdel and Rep. Wilmer voted by proxy.

00:28:40 **Motion/Vote:** Rep. Hansen moved that **HB 450 BE TABLED AND THE VOTE REVERSED**. Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON HB 451

00:28:55 **Motion:** Rep. Hansen moved that **HB 451 DO PASS**.

Discussion:

00:29:03 Rep. Reichner
00:30:03 Rep. Hansen

00:30:02 Rep. Reichner left.

00:30:07 **Vote:** Motion failed 4-12 by roll call vote with Rep. Blasdel, Rep. Blyton, Rep. Wagner and Rep. Washburn voting aye. Rep. Blasdel, Rep. Wilmer and Rep. Reichner voted by proxy

00:30:59 **Motion/Vote:** Rep. McClafferty moved that **HB 451 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 452

00:31:20 **Motion/Vote:** Rep. McClafferty moved that **HB 452 DO PASS**. Motion failed 7-9 by roll call vote with Rep. Blasdel, Rep. Blyton, Rep. Clark, Rep. Evans, Rep. Hansen, Rep. Wagner and Rep. Washburn voting aye. Rep. Blasdel, Rep. Reichner and Rep. Wilmer voted by proxy.

00:32:20 Rep Hansen

00:32:26 **Motion/Vote:** Rep. McClafferty moved that **HB 452 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 453

00:32:39 **Motion:** Rep. McClafferty moved that **HB 453 DO PASS**.

Discussion:

00:32:53 Rep. Hansen

00:32:57 **Substitute Motion:** Rep. Blyton made a substitute motion that **HB 453 BE TABLED**.

00:33:37 Dan Whyte, LSD

00:33:39 Rep Hansen objected to the substitute motion.

00:33:49 Dan Whyte, LSD

00:33:55 Rep. Hansen

00:34:00 **Vote:** Motion failed 7-9 by roll call vote with Rep. Blasdel, Rep. Blyton, Rep. Clark, Rep. Evans, Rep. Hansen, Rep. Wagner and Rep. Washburn voting aye. Rep. Blasdel, Rep. Reichner and Rep. Wilmer voted by proxy.

00:34:20 Rep. Hansen

00:34:36 **Motion/Vote:** Rep. McClafferty moved that **HB 453 BE TABLED AND THE VOTE REVERSED**. Motion carried 13-0 by voice vote.

EXECUTIVE ACTION ON HB 456

00:34:52 **Motion:** Rep. McClafferty moved that **HB 456 DO PASS**.

Discussion:

00:35:02 Rep. Malek

00:37:21 **Motion:** Rep. Clark moved that **HB 456 BE AMENDED**.

[EXHIBIT\(edh38a03\)](#)

[EXHIBIT\(edh38a04\)](#)

Discussion:

00:38:56 Rep. Hansen

00:39:00 Rep. Bennett

00:39:40 Rep. Hansen

00:39:41 Rep. Clark

00:40:32 Rep. Hansen

00:40:34 Rep. Bennett

00:41:13 Rep. Hansen

00:41:16 Rep. Washburn

00:41:51 Rep. Hansen

00:41:54 Rep. Wagner

00:43:10 Rep. Hansen

00:43:14 Rep. Malek

00:43:20 Rep. Hansen

00:43:24 Rep. Malek

00:43:56 Rep. Clark

00:44:49 Rep. Hansen

00:45:24 Rep. Malek

00:45:57 Rep. Hansen

00:47:00 **Vote:** Motion to amend (Exhibit #3) carried 13-3 by roll call vote with Rep. Bennett, Rep. McClafferty and Rep. Wilmer voting no. Rep. Blasdel, Rep. Reichner and Rep. Wilmer voted by proxy. (Amendment, Exhibit # 4, was not considered.)

00:47:20 **Motion:** Rep. McClafferty moved that **HB 456 DO PASS AS AMENDED**.

Discussion:

00:47:42 Rep. Hansen

00:47:49 Rep. Malek

00:48:14 Rep. Hansen

00:48:17 Rep. Evans
00:49:12 Rep. Hansen
00:49:16 Rep. Salomon
00:49:32 Rep. Hansen
00:49:35 Rep. McNiven
00:50:26 Rep. Hansen

00:50:30 **Vote:** Motion carried 10-6 by roll call vote with Rep. Bennett, Rep. Malek, Rep. McClafferty, Rep. Price, Rep. Welborn and Rep. Wilmer voting no. Rep. Blasdel, Rep. Reichner and Rep. Wilmer voted by proxy.

00:51:20 Rep. Hansen

EXECUTIVE ACTION ON HJ 7

00:51:41 **Motion:** Rep. McClafferty moved that **HJ 7 DO PASS.**

Discussion:

00:52:09 Rep. Bennett
00:52:30 Rep. Hansen
00:52:33 Rep. Wagner (Point of Order)
00:53:09 Rep. Hansen
00:53:24 Rep. Wilmer arrived.
00:53:33 Rep. Hansen

00:53:40 **Vote:** Motion failed 6-10 by roll call vote with Rep. Blasdel, Rep. Blyton, Rep. Clark, Rep. Evans, Rep. Wagner and Rep. Washburn voting aye. Rep. Blasdel, Rep. Reichner voted by proxy.

00:54:32 **Motion/Vote:** Rep. McClafferty moved that **HJ 7 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HJ 9

00:54:46 **Motion:** Rep. McClafferty moved that **HJ 9 DO PASS.**

Discussion:

00:54:49 Rep. Hansen

00:55:24 **Motion:** Rep. McClafferty moved that **HJ 9 BE AMENDED.**
EXHIBIT(edh38a05)

Discussion:

00:55:41 Rep. Hansen
00:55:45 Dan Whyte, LSD
00:56:21 Rep. Hansen

00:56:27 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Reichner voted by proxy.

00:56:33 **Motion:** Rep. McClafferty moved that **HJ 9 DO PASS AS AMENDED.**

Discussion:

00:56:44 Rep. Hansen
00:56:57 Rep. Price
00:57:04 Rep. Hansen

00:57:05 **Vote:** Motion carried 9-7 by roll call vote with Rep. Bennett, Rep. Malek, Rep. McClafferty, Rep. Price, Rep. Reichner, Rep. Welborn and Rep. Wilmer voting no. Rep. Blasdel and Rep. Reichner voted by proxy.

00:58:36 Rep. Hansen

ADJOURNMENT

Adjournment: 00:59:18

Marissa Stockton, Secretary

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Additional Exhibits:

[EXHIBIT\(edh38a06\)](#)

[EXHIBIT\(edh38a07\)](#)

[EXHIBIT\(edh38a08\)](#)

[EXHIBIT\(edh38a09\)](#)

[EXHIBIT\(edh38a10\)](#)

[EXHIBIT\(edh38a11\)](#)

[EXHIBIT\(edh38a12\)](#)

[EXHIBIT\(edh38a13\)](#)

Additional Documents:

EXHIBIT([edh38aad.pdf](#))